

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAWN MARIE ANDERS,

Plaintiff,

-against-

FINDINGS OF FACT AND ORDER
19 Civ. 6390 (VEC/RWL)

ANDREW SAUL,
Commissioner of Social Security,

Defendant.
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Plaintiff and Timothy S. McAdam, Esq. agreed that Plaintiff would pay the larger of the two fees under 28 U.S.C. §2412 and 42 U.S.C. §406(b), as follows:

“If May attorney is successful in the United States District Court or the United States Court of Appeals, I agree to pay twenty five percent of all past due benefits awarded to me and my family in my Social Security Disability case, my Supplemental Security Income disability case, or both. This fee may be greater than any particular hourly amount for services, and may exceed \$950 per hour. **I will pay no fee unless I win my case.**”

Plaintiff’s attorneys furnished substantial services to Ms. Anders in pursuing the instant civil action. It resulted in a judgment under sentence 4, 42 U. S. C. §405(g) pursuant to a Court Order remanding the within action for further administrative proceedings.

Ms. Anders was awarded attorneys fee under 28 U.S.C. §2412 (the Equal Access to Justice Act)(Document40)

Defendant has issued a Notice of Award in which \$28785.50 was withheld from past due benefits to pay attorneys fees.

Administrative proceedings were completed, and resulted in an award of disability benefits to the plaintiff.

There is no reason to deduct from the fee that plaintiff’s attorney seeks by reason of (a)

any delay on his part, (b) fraud, or overreaching by plaintiff's attorney; (c) the results they achieved in this action achieved the object of the bargain made between plaintiff and their attorneys, and (d) the character of the representation in this matter.


Defendant's counsel has not objected to the motion.

The fee plaintiff's attorneys have applied for is reasonable under all the circumstances.

NOW THEREFORE IT HEREBY IS ORDERED THAT plaintiff's attorneys be paid the sum of \$\$28785.50 for their services in this action. They shall refund to plaintiff the fee allowed under 28 U.S.C. §2412.

SO ORDERED:

12/18/2020


HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE